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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 SAN JOSE DIVISION

E-FILED - 10/19/06

20 COMERICA BANK, a Michigan banking
21 corporation,

22 Plaintiff,

23 v.

24 MICHAEL L. McDONALD and ALAN P.
25 McDONALD,

26 Defendants.

27 AND RELATED CROSS-ACTION.
28

Case No. C 06-03735 RMW (RS)

The Hon. Ronald M. Whyte

Current Date: October 20, 2006

Time: 10:30 a.m.

Crtrm.: 6

**STIPULATION CONTINUING
STATUS CONFERENCE AND
ORDER**

[Complaint Filed: June 12, 2006]

Plaintiff and Counter-Defendant Comerica Bank ("Plaintiff") and Defendants and Counterclaimants Michael L. McDonald and Alan P. McDonald ("Defendants") hereby stipulate and request a court order as follows:

A status conference in this matter is scheduled to take place on Friday, October 20, 2006, at 10:30 a.m.

Comerica has filed a motion to dismiss, which is scheduled to be heard on Friday, November 3, 2006, at 9:00 a.m.

Plaintiff and Defendants request that the status conference hearing be continued to Friday, November 3, 2006, at 10:30 a.m., so that it may take place after the hearing on Comerica's motion to dismiss.

Dated: October 17, 2006

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ David A. DeGroot
Attorneys for Plaintiff and Counter-defendant
COMERICA BANK

Dated: October 17, 2006

KELLY, HERLIHY, & KLEIN, L.L.P.

By /s/ Michael G. Glanzberg
Attorneys for Defendants and Counterclaimants
MICHAEL L. McDONALD
and ALAN P. McDONALD

[] ORDER

The Status Conference hearing scheduled for October 20, 2006, at 10:30 a.m., shall be continued to Friday, November 3, 2006, at 10:30 a.m.

Dated: October 19, 2006

/s/ Ronald M. Whyte

The Honorable Ronald M. Whyte
United States District Judge